

## Chapter 5

### *At-Taifah al-Mumtani'ah*

In this chapter our talk, with the permission of Allah (*ta'ala*), will be surrounding the issues that dispute arose in regards to the *hukm* of *at-taifah al-mumtani'ah* (resisting group/party/sect) from the rites of Islam.

**And before diving into the matter of *at-taifah al-mumtani'ah*, we would like to begin with a brief introduction; so we say:**

Indeed, Ahlus-Sunnah wal-Jama'ah have agreed that *iman* is *qawl* (i.e., statements) and *'amal* (i.e., actions), and from the people of knowledge more than one have related a consensus on this. Its explanation is what was outlined by Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) when he said,

And from the fundamentals of Ahlus-Sunnah wal-Jama'ah is that *ad-Din* and *iman* are statements and actions. The statement of the heart and the tongue, and the action of the heart, tongue, and limbs.<sup>120</sup>

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<sup>120</sup> *Al-'Aqidah al-Wasitiyyah*.

To clarify further, when Allah (*ta'ala*) issued a command like *salah*, *ṣalāḥ*, etc., a pillar of *iman* in relation to the command of Allah (*ta'ala*) is *inqiyad* (compliance) to it, and that is the action of the heart. Therefore, whoever does not establish *inqiyad* in his heart to the command of Allah (*ta'ala*) is a *kafir*.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, “It is known that *iman* is *iqrar* and not just merely *tasdiq*.<sup>121</sup> *Iqrar* contains and comprises of the statement of the heart, which is *tasdiq*, as well as the action of the heart, which is *inqiyad*.” Then he said, “So whoever does not obtain in his heart *tasdiq* and *inqiyad* is a *kafir*.”<sup>122</sup>

**There is also a need to explain an important matter;** and it is that the *inqiyad* of the heart to the command of Allah must manifest itself and show its traces on the limbs. So whoever resists and abstains from the action [of the limbs] then it is an indicator of his lack of *iman* and *inqiyad*, or an indicator of the weakness of his *iman* and *inqiyad*. Thus whoever resists from the action [of the limbs], then he is either a *kafir* or a *fasiq*. And this varies depending on the different forms the abstaining takes.

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<sup>121</sup> Publisher's note: *Iqrar* is an act of truly affirming something is definitely true. *Tasdiq* is assenting and it is belief in the heart alone. The subtle difference is mentioned here by Shaykhul-Islam ibn Taymiyyah (*rahimahullah*).

<sup>122</sup> *Majmu' al-Fatawa*, v. 7, p. 638.

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Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, “The foundation of *iman* is in the heart, and it is the statement of the heart and its action, which is *iqrar* with *tasdiq*, love, and *inqiyad*. And what is in the heart must manifest and show itself on the limbs. If he does not act accordingly, then it is evidence for its absence or its weakness.”<sup>123</sup>

What is meant by that is if a man was to resist and abstain from an action from the actions of Islam due to pride and arrogance, then he is a *kafir* due to his lack of *inqiyad*. This *kufr* is like the *kufr* of Iblis who resisted and abstained from making *sujud* to Adam (*‘alayhis-salam*), even though he acknowledged it was obligatory [upon him].

**We return back to the issue of *at-taifah al-mumtani‘ah*; so we say: What is *at-taifah al-mumtani‘ah*?**

The answer: It is a group that affiliates itself to Islam then abstains and resists with strength and fighting from committing to a clear and apparent law and rite of Islam, even if they affirm its obligation.

An example is if a group was to abstain from paying the *zakah*, or from committing to fasting [the month of Ramadan], or its likes from the rites of Islam, even if they

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<sup>123</sup> *ibid*, v. 7, p. 644.

affirm its obligation. Or, they do not commit to leaving the clear and apparent prohibited matters such as *riba*, alcohol, and *zina*, even if they affirm its prohibition; and we do not have the ability to bind them except by fighting. Or, they contain strength and abstain from committing to the apparent and clear rites of Islam, even if they do not fight over it.

### **Next we say: What is the ruling of *at-taifah al-mumtani'ah*?**

The answer: The ruling of *at-taifah al-mumtani'ah* according to correct opinion from the scholars is that of apostasy and the leaving of Islam. That is based upon what has passed in the introduction from what *iman* is, that it is *qawl* and *'amal*, with *inqiyad* to His (*ta'ala*) commands being indispensable.

The evidence for that is the consensus of the companions (*radiyallahu 'anhum*), which draws its proof from the fact that that they labeled those who withheld the *zakah* as apostates.

Abu 'Ubayd al-Qasim ibn Sallam said, "And what attests to this is the *jihad* of Abu Bakr as-Siddiq (*radiyallahu 'anhu*) with the *Muhajirin* and *Ansar* against the Arab withholders of *zakah* being just like the *jihad* of the Messenger of Allah (*sallallahu 'alayhi wa sallam*) against the people of *shirk*. There was no difference between them with regards to permitting their

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blood, enslaving their families, and taking their wealth as spoils. And they had only withheld it without rejecting it.”<sup>124</sup>

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, “The companions agreed, and the leading scholars after them, on fighting the withholders of the *ḥaḳ* even though they performed the five *ṣalawāt* and fasted the month of Ramadan, and that they were not excused due to their misconception. And due to that they were apostates; they fought for its withholding, even though they acknowledged its obligation as commanded by Allah.”<sup>125</sup>

And Shaykh Muhammad ibn ‘Abdil-Wahhab said after citing the words of Shaykhul-Islam, “So ponder over his clear speech that the group who resisted paying the *ḥaḳ* to the leader were fought and that he ruled them with *kufr*, apostasy from Islam, the enslavement of their children, the taking of their wealth as spoils of war, and that they acknowledged the obligation of *ḥaḳ*, performed the five *ṣalawāt*, and all other rites of Islam except for the paying of *ḥaḳ*. And that all that did not prevent them from being fought, nor did it prevent them from being ruled with *kufr* and apostasy, and that this is established from the Book, the Sunnah, and the consensus of

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<sup>124</sup> *Al-Iman*.

<sup>125</sup> *Majmu’ al-Fatawa*, v. 28, p. 519.

the companions (*radiyallahu ‘anhum*). And Allah knows best.”

126

## **The ruling of fighting *at-taifah al-mumtani‘ah*:**

Indeed, what is proven from the Book, the Sunnah, and the consensus of the companions is that it is obligatory to fight *at-taifah al-mumtani‘ah*.

Allah (*ta‘ala*) said, “And fight them until there is no more *fitnah* and the *Din*, all of it, is for Allah.”<sup>127</sup>

Thus if some of the *Din* is for Allah and some other parts are for other than Allah, it is compulsory to fight until the *Din*, all of it, is for Allah.

In the two books of *sahih* narrations (i.e., al-Bukhari and Muslim), on the authority of ibn ‘Umar (*radiyallahu ‘anhuma*) that the Messenger of Allah (*sallallahu ‘alayhi wa sallam*) said,

I have been ordered to fight the people until they testify that there is nothing worthy of worship except Allah and that Muhammad is the Messenger of Allah, to establish the *salah*, and to give the *zakah*. If they do that, then their blood and wealth are protected from

<sup>126</sup> *Ad-Durar as-Saniyyah*, v. 10, p. 179.

<sup>127</sup> Al-Anfal: 49.

me except for the right of Islam, and their account is upon Allah.

And Abu Bakr (*radiyallahu ‘anhu*) said, “Verily, *ṣakāh* is the right on the wealth. By Allah, if they refuse to give me a rope used to tie a she-camel with, that they used to give to the Messenger of Allah (*sallallahu ‘alayhi wa sallam*), I will fight them for that.”<sup>128</sup>

And Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, “The scholars have agreed that every group that resists from a clear and apparent rite from the rites of Islam, that it is obligatory to fight them until the *Din*, all of it, is for Allah, just as the *muharibin* [are fought].”<sup>129</sup>

And he also said, “Thus it became known that if some people simply cling to the label of Islam without adhering to its rites and laws, then fighting them is not cancelled. Rather, fighting them is compulsory until the *Din*, all of it, is for Allah and until there remains no *fitnah*. So if some of the *Din* is for other than Allah, fighting becomes obligatory. Therefore, any group which refuses to implement some of the obligatory *ṣalawat*; fasting; or the *Hajj*; or violates the blood and wealth which are sanctified; or engages in consumption of intoxicants; adultery; fornication; gambling; or marries those

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<sup>128</sup> Agreed upon.

<sup>129</sup> *Al-Fatāwa al-Kubra*, v. 5, p. 529.

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who are forbidden to marry; or who do not wage war against the *kuffar*; do not impose the *jizyah* on the Jews and Christians; or any other matter from the obligations and prohibitions of the *Din* for which no one has an excuse for denying or leaving, and which one was to disbelieve if they were to deny its obligation. Thus *at-taifah al-mumtani'ah* is fought over this, even if they affirm them [being obligatory or prohibited]. And I do not know of any disagreement amongst the scholars in this regard.”<sup>130</sup>

So if this is the ruling of the group if it was to refrain from observing one of the laws and rites of Islam, then what of if it was to refrain from many more than that? Rather, what of whoever declares that they will not abide by the law of Allah by replacing it with democratic laws or fabricated regulations?!

If that is settled, then some [other] issues need to be clarified:

**The first issue: the disagreement that occurred between the scholars of the companions, Abu Bakr and ‘Umar, regarding *takfir* of *at-taifah al-mumtani'ah*.**

Verily, the disagreement that occurred at first between the companions over *takfir* of those who withheld the *zakah* is

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<sup>130</sup> *Majmu' al-Fatawa*, v. 28, p. 502.



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established by the text of the *hadith*, which has been related by al-Bukhari and Muslim from Abu Hurayrah (*radiyallahu ‘anhu*) who said,

When the Messenger of Allah (*sallallahu ‘alayhi wa sallam*) died, and Abu Bakr replaced him in his stead, and the Arabs fell into *kuf*r, ‘Umar said to Abu Bakr, “How can you fight the people when the Messenger of Allah (*sallallahu ‘alayhi wa sallam*) said, ‘I was ordered to fight the people until they say *la ilaha illallah*, so whoever says that, his wealth and self is protected from me except by its right (i.e. accordance to *Shari‘ah*), and their account is with Allah.”” Abu Bakr said, “By Allah, I will fight whoever distinguishes between *salah* and *ṣakāh*. Verily, *ṣakāh* is the right on the wealth. By Allah, if they refuse to give me a rope used to tie a she-camel with, that they used to give to the Messenger of Allah (*sallallahu ‘alayhi wa sallam*), I will fight them for that.” So ‘Umar said, “By Allah, it was not until I saw that Allah had expanded the chest of Abu Bakr to fighting, that I knew it was the truth.”

‘Umar (*radiyallahu ‘anhu*) citing it was prohibited to fight them due to them saying ‘*la ilaha illallah*’ is a clear proof that he did not view them as disbelievers.

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From those who made mention of this dispute between the companions was Imam ibn Qudamah in his book *Al-Mughni*. He said after mentioning the two narrations in regards to *takfir* of those who withheld the *zakah*, “It is evident based on the first narration that ‘Umar and others from the companions refused to fight in the beginning, and if they had believed that they were disbelievers, then they would not have held back.”

**The second issue: the mention of the disagreement which occurred between the scholars on this matter.**

The disagreement between the scholars of Ahlus-Sunnah with regards to the ruling of *kufr* of *at-taifah al-mumtani'ah* is based on the disagreement of the companions (*radiyallahu 'anhum*). Ash-Shafi'i (*rahimahullah*) inclined towards not making *takfir* of those who withheld the *zakah* and went on to say that the affiliating them with *riddah* was from the standpoint of linguistics and not upon a *shar'i* meaning. So he viewed that the companions disputed with regards to fighting but agreed on not making *takfir* of them. He considered those who refused to give a right to the leader as having a *tamil*.

Imam ash-Shafi'i (*rahimahullah*) said,

The people of *riddah* after the Messenger of Allah (*sallallahu ‘alayhi wa sallam*) are of two types: from them are those who were tempted after Islam, such as Tulayhah, Musaylamah, al-‘Ansi, and their companions. And from them are those who clung to Islam but refused to give charity. If someone asks: “What is the evidence for that while the people refer to them as the people of *riddah*?” Then this [is the use of] the Arabic language. *Riddah* comes from *irtidad* from what they had been upon to *kufir*, and [also] *irtidad* by preventing its *haqq*. So whoever returns back from something, it is permissible to say that he committed *riddah* from this or that.<sup>131</sup>

Imam Ahmad also leaned towards that in one narration, as al-Athram cited from him about the one who abandons the fast of Ramadan, by asking, “Is he like one who leaves the *salah*?” He replied, “*Salah* is more firmly established, unlike the others.” He was then asked, “And the one who leaves [paying] the *ṣakāh*?” He replied, “It has come from ‘Abdullah [ibn Mas‘ud] that ‘one who leaves [paying] the *ṣakāh* is not a Muslim.’ And Abu Bakr fought over it, and the *ḥadīth* is regarding the *salah*.’”<sup>132</sup>

<sup>131</sup> *Al-Umm*, v. 4, p. 227.

<sup>132</sup> *Al-Aḥkām as-Sultāniyyah*.

Al-Qadi Abu Ya'la said,

What is apparent in this is that he narrated the statement of 'Abdullah [ibn Mas'ud] and the action of Abu Bakr, but did not assert it due to him saying, "the *hadith* is regarding the *salah*." Meaning, the reported *hadith* that contained [the mention] of *kufr* is found in regards to the *salah*. And the statement of the Prophet (*sallallahu 'alayhi wa sallam*) is, "Between the slave and *kufr* is leaving the *salah*. So whoever leaves the *salah*, then he has disbelieved." And also because *zakah* is the right of the wealth, and one does not disbelieve for not giving it. And fighting for it is like a *kafarah* (expiation) and like the rights of the people.<sup>133</sup>

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "The *fuqaha* split into two opinions thereafter in relation to the *kufr* of whoever refuses to give it and fights the leader over it while affirming its obligation. Both [opinions] are narrated from Ahmad, just as the two narrations from him regarding *takfir* of the Khawarij."<sup>134</sup>

<sup>133</sup> *Al-Masail war-Risalah*, v. 2, p. 50.

<sup>134</sup> *Majmu' al-Fatawa*, v. 35, p. 15.

## The third issue: is the one who disagrees in the *kufir* of *at-taifah al-mumtani'ah* an innovator or a Sunni?

We say: whoever said that *at-taifah al-mumtani'ah* does not disbelieve based on his saying that *iman* is a statement but not actions, then he is a Murji. As for whoever says that *iman* is statements and actions, then refrains from declaring the *kufir* of *at-taifah al-mumtani'ah*, he is not an innovator but a *mujtahid* who is mistaken. Imam ash-Shafi'i falls under this, for he affirmed that *iman* is statements and actions just as the generality of the leading scholars of Ahlus-Sunnah wal-Jama'ah did.

Imam ash-Shafi'i (*rahimahullah*) said, "It was by the consensus of the *Sahabah* and those who followed after them, from those whom we have knowledge of, that *iman* is statements, actions, and intention. And none of these three suffices without the others."<sup>135</sup>

This matter resembles the difference of opinion in regards to the *kufir* of the one who leaves the *salah*. Thus whoever from the scholars favored not to declare the *kufir* of the abandoner of *salah* while saying that *iman* is statements and actions, then he is Sunni and not an innovator. Concerning one who does not make *takfir* of the one who leaves the *salah* or views one

<sup>135</sup> *Sharh Usul I'tiqad Ahl as-Sunnah wal-Jama'ah*, v. 7, p. 957.

that is killed after he is called to it is a Muslim, then he has fallen into the misconception that the Murjiah and Jahmiyyah fell into regarding the name of *iman* and based his view of not making *ta'fir* upon that [misconception].

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, “This point deserves to be reflected over. So whoever knows that what is apparent is connected to what is hidden, the misconception in this issue would be removed from him. He would come to know that whoever from the *fuqaha* said that if one affirms the obligation [of *salah*] and refrains from its performance - that he is not killed or killed while still a Muslim - then he fell into the misconception that the Murjiah and the Jahmiyyah fell into. Which is the same one that those who considered whoever has the willful determination and complete ability does not imply anything from action [fell into]. Therefore, those who abstained from killing this one, from the *fuqaha*, based their saying on this issue of *iman*, in that actions are not from it.”<sup>136</sup>

### **Let us take an example of this:**

And it what is related from ibn Shihab az-Zuhri (*rahimahullah*). In *Ta'dhim Qadr as-Salah*, al-Marwazi narrates from ibn Shihab az-Zuhri that he was asked about a man who leaves the *salah*, so he said, “If he left it due to him

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<sup>136</sup> *Majmu' al-Fatawa*, v. 2, p. 957.

innovating a *din* besides the *Din* of Islam, he is to be killed. And if he does it due to him being a *fasiq*, he is to be beaten and imprisoned.”

Thus it is clear that ibn Shihab does not view the one who leaves the *salah* as having disbelieved.

It is narrated by al-Lalakai from Ma’qal ibn ‘Ubaydillah al-‘Absi, that he said to Nafi’, the slave of ibn ‘Umar,

They say: “We acknowledge that *salah* is compulsory, but we do not perform it; that alcohol is prohibited, but we drink it; that marrying the mothers is prohibited, but we want to.” So he removed his hand from mine and said, “Whoever does that is a *kafir*.”

Ma’qal [further] said,

Later, I met with az-Zuhri and informed him of what they say, and he said, “*Subhan Allah*, have the people started arguing about that? The Messenger of Allah (*sallallahu ‘alayhi wa sallam*) said, “The adulterer is not a believer at the moment when he is committing adultery, and the drinker of wine is not a believer at the moment when he is drinking wine.”<sup>137</sup>

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<sup>137</sup> *Sharh Usul I’tiqad Ahl as-Sunnah wal-Jama’ah*, v. 5, p. 1025.

So look at his statement in relation to not making *takfir* of the one who abandons *salah*, while he rebukes the Murjiah who take actions outside of the name of *iman*. This is what makes us not accuse the likes of Imam az-Zuhri with *irja* simply because he does not view the one who leaves the *salah* as having disbelieved. Reflect over this matter greatly, and do not be deceived by the multitude of those who seek sedition and the speech of the extremists.

### **Finally, an important clarification needs to be noted:**

It is that the vast majority of those whom we fight today of the sects of *kufir* and apostasy do not fit into the dispute which occurred between the people of knowledge in regards to *at-tawaif* (pl. of *at-taifah*) *al-mumtani'ah*. Thus the armies of the *tawaghit* states, their police, and their agents are *kuffar* by consensus. They are closer in resemblance to the followers of Musaylamah and al-Aswad [al-'Ansi] than to those who refrained from [paying] the *zakah*. Accordingly, the soldiers of the *taghut* and everyone who fights for his sake is a *kafir* as stated by the text of the Quran, as He (*ta'ala*) said, "Those who believe fight for the sake of Allah, and those who disbelieve fight for the sake of the *taghut*. So fight against the allies of *Shaytan*. Indeed, the plot of *Shaytan* is weak."<sup>138</sup>

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<sup>138</sup> An-Nisa: 76.



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Whoever allies with the *taghut* upon ruling by other than what Allah revealed and wages war against the allies of Allah, then he is a *kafir* like him (i.e., the *taghut*). Because whoever allies with the *kuffar* is from them, due to His (*ta'ala*) statement, “And whoever is an ally to them among you - then, indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people.”<sup>139</sup>

And we have previously come across that *bara'ah* from the *mushrikin* and allying with the *muwabbidin* is from *asl ad-Din* in wherein there is no excuse of ignorance, nor interpretation, for anyone with relation to it. This is in general a point of consensus, with all praise belonging to Allah (*ta'ala*).

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<sup>139</sup> Al-Maidah: 51.